IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO: 9012 of 2005

Between:

Bejawada Venkata Subbaiah S/o Venkaiah
R/o Kattavaripalem Village, Kondepi Mandal, Prakasam District.

... PETITIONER

AND

1. The District Collector Prakasam/ The District Election Authority, under A.P. Formers Management of Irrigation Systems (Delineation & Formation of Water Users Associations) Rules, 2003
2. The Revenue Divisional Officer, Kandukur Prakasam District
3. The Mandal Revenue Officer, Kondepi Mandal, Kondepi Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction more in the nature of Mandamus or any other appropriate Writ declaring the action of the respondents in conducting elections to the managing Committee of Minor Irrigation Tank Water Users Association, Kondepi Village, Kondepi Mandal, Prakasam District without following the procedure under Rule 9 and without disposing of the appeal filed by the petitioner before the 1st respondent dated 08-04-2005 as illegal, arbitrary and without jurisdiction and contrary to the rules and consequentially to pass appropriate orders.

Counsel for the Petitioner: MR. K. ANANDA RAO

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following:

ORDER: -

This writ petition is filed seeking *mandamus* declaring the action of the respondents in conducting elections to the Managing Committee of Minor Irrigation Tank Water Users Association, Kondepi Mandal, Prakasam District, without following the procedure under Rule 9 and without disposing of the appeal filed by the petitioner before the first respondent dated 08-04-2005 as illegal, arbitrary and without jurisdiction and contrary to the rules and consequentially to pass appropriate orders.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation appearing for the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. Petitioner, who claims to be the owner of agricultural land to an extent of Ac.0.49 cents in Sy.No.59 of Kondepi Village, Prakasam District, states that he is the voter of Minor Irrigation Tank Water Users Association, Kondepi, Prakasam District and that his name finds place at T.C.No.3 at Sl.No.24 of the voters list. It is his case that the Commissioner of Command Area and Development Authority, A.P., Hyderabad, issued a notification on 14-02-2005 to prepare the voters list of the said association for conducting elections. Petitioner states that pursuant thereto, the first respondent, District Collector directed all the Mandal Revenue Officers to implement the directions issued by the Commissioner forthwith. While things stood thus, third respondent, Mandal Revenue Officer prepared the draft voters list and published the same on the notice board of the Gram Panchayat and called for objections on 04-04-2005.

4. It is the grievance of the petitioner that in the draft voters' list, the names of the persons who do not possess any land in the ayacut area are found. It is alleged by the petitioner that since the said persons do not have any land in the ayacut area, their names cannot be listed in the draft voters' list. Hence, he brought the same to the notice of the third respondent on the same day, requesting him to delete the names of the said persons, but the same was not considered. Therefore, he filed an appeal, before the second respondent, Revenue Divisional Officer, challenging the same, but when the second respondent refused to accept the appeal, petitioner filed

another appeal before the first respondent, District Collector under Rule 10(2) of Andhra Pradesh Farmers Management of Irrigation Systems (Delineation and formation of Water Users Association) Rules, 2003.

5. The main grievance of the petitioner in the present writ petition is that the first respondent, District Collector neither considered the appeal, nor passed appropriate orders on the same.

6. Having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to the District Collector, Nellore (The District Election Authority under A.P. Formers Management of Irrigation Systems) (Delienation and Formation of Water Users Associations) Rules, 2003, to consider and dispose of the appeal filed by the petitioner on or before 25-04-2005 without fail and submit compliance of the same to this Court through the learned Government Pleader.

7. The writ petition is accordingly disposed of at the admission stage. No order as to costs.

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ELIPE DHARMA RAO, J

Dt.21-04-2005

Glv

ASSISTANT REGISTRAR

Copy to:

1. The District Collector Prakasam/ The District Election Authority,
under A.P. Formers Management of Irrigation Systems,
(Delineation & Formation of Water Users Associations) Rules, 2003
Ongole, Prakasam District.
2. The Revenue Divisional Officer, Kandukur Prakasam District

3. The Mandal Revenue Officer, Kondepi Mandal, Kondepi
Prakasam District.

4. Two CCs. to the Government Pleader for Irrigation and Command
Area Development, High Court buildings, Hyderabad. (OUT)

Two CD copies

*Form-NIC-OGS/WP{**TRT**}*